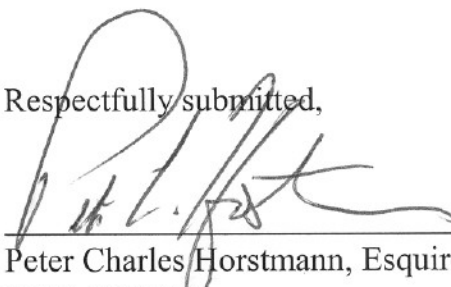


Criminal No.: 04 CR 10319 WGY

- 1) On October 19, 2004, this Court scheduled Mr. Hernandez's Arraignment on the Superseding Indictment for October 26, 2004, at 10:00 am.
- 2) The undersigned counsel has a previously scheduled deposition in a wrongful death case, which took months to schedule, and which would constitute a substantial hardship for multiple parties to reschedule.
- 3) The Government through its representative, Assistant United States Attorney Robert Peabody, has assented to the instant motion.

as requested.

Respectfully submitted,



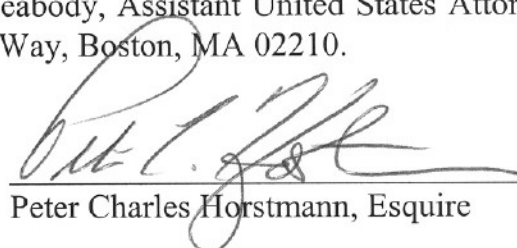
Peter Charles Horstmann, Esquire
BBO #556377

PARTRIDGE, ANKNER & HORSTMANN, LLP
200 Berkeley Street
Boston, Massachusetts 02116
(617) 859-9999

Attorney for Defendant
Noel Hernandez

CERTIFICATE OF SERVICE

I, Peter Charles Horstmann, Esquire, hereby certify that on this 20th day of October, 2004, a copy of the foregoing DEFENDANT'S MOTION TO CONTINUE ARRAIGNMENT was served, electronically upon Robert Peabody, Assistant United States Attorney, United States Attorneys Office, One Courthouse Way, Boston, MA 02210.



Peter Charles Horstmann, Esquire